



STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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AMERICAN FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES, COUNCIL #68,  
AFL-CIO

Petitioner

and

TOWN OF PLYMOUTH, NEW HAMPSHIRE  
BOARD OF SELECTMEN

Respondent

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CASE NO. A-0473

DECISION NO. 81-24

APPEARANCES

Representing the Petitioner, AFSCME:

James Ford, AFSCME Representative  
Howard F. Minnon, Sergeant, Police Department  
Brian J. Thibeault, Firefighter, EMT  
Edward Havlock, Foreman, Highway Dept.

Representing the Respondent, Town of Plymouth:

Madison Sears, Selectman  
Leon Sherman, Selectman  
Ken Sutherland, Selectman

BACKGROUND

The American Federation of State, County and Municipal Employees, Council No. 68, AFL-CIO (AFSCME) on February 4, 1981 petitioned for certification of "all municipal town employees to include: police, fire, highway department and incinerator department personnel"; a unit consisting of approximately 25 employees of the town of Plymouth. Copy of the petition was delivered to the Chairman of the Board of Selectmen on February 3, 1981.

On February 12, 1981 the Plymouth Board of Selectmen, by letter to PELRB, acknowledged receipt of the petition for certification and objected on the basis that no single department had the minimum required number of 10 employees to form a unit and that a combined unit did not meet the community of interest definition. They further stated that some of the positions in the proposed unit were supervisory and not entitled to belong to the proposed unit.

Hearing on this matter was held on March 5, 1981 in the Board's office in Concord. Chairman of the Board of Selectmen objected to the petition stating that it described unit as "all town employees to include police, highway, fire and incinerator personer" that there were other employees in the Town.

AFSCME amended its petition to drop the reference to "all town employees" and it then read, "police, fire, highway department and incinerator personnel".

The following objections were made by the Town:

SUPERVISORY PERSONNEL: Police Sergeant, Deputy Fire Chief, Highway Foreman, Ambulance Director (also a member of the Fire Department), Police Chief and Fire Chief.

ELECTED OFFICIAL: Road Agent

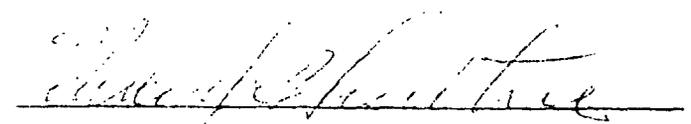
and further that the community of interest test was not met under the requirements of RSA 273-A:8.

Testimony was heard from the police sergeant, deputy fire chief, director of ambulance service, highway foreman and Selectmen Sears and Sutherland, relative to the respective duties of the various positions and pay scales with particular reference to supervisory responsibilities and authority.

#### DECISION AND ORDER

After considering all the testimony and evidence, written and oral, the Hearing Officer made the following decision:

- A. The combination of public safety employees; i.e., police and fire, with other municipal employees in one bargaining unit would create a real potential for a division of loyalties which could adversely affect the efficient governmental operations.
- B. The petition, as amended, is hereby denied.

  
EDWARD J. HASELTINE, Hearing Officer  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 11th day of August, 1981.